

BEST AVAILABLE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,240	04/09/2004	Noel C. Cobb	0075-1	1744

25901 7590 02/02/2006

ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER, NJ 07921

EXAMINER

PRONE, JASON D

ART UNIT PAPER NUMBER

3724

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Sp

Office Action Summary	Application No.	Applicant(s)	
	10/822,240	COBB ET AL.	
	Examiner	Art Unit	
	Jason Prone	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 2, 4, 5, 7, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Burchell (6,321,455).

Claim 1:

Burchell discloses the same invention including a utility knife (10) comprising a knife handle (10) including a gripping portion (12) and a blade supporting portion (14), the knife handle being unitarily formed (10), a knife blade being transversely angulated with respect to the gripping portion of the knife handle (16 and Fig. 2), and the knife blade is firmly supported in the horizontal and vertical planes (50 and 52).

Claims 2, 4, 5, 7, and 9-12:

In regards to claim 2, Burchell discloses the same invention including a utility knife (10) comprising a reversible, detachable blade having a sharp edge (16) and a plurality of anchoring holes (72), a handle for supporting the blade in a transversely angulated position (10), the handle including a gripping portion (12) and a blade supporting portion (14), the handle has right side member (12 and 48 combined) and left side member (50), and each of the left and right side members, respectively, being unitarily formed (48 combined with 12 and 50 in Fig. 5). Burchell discloses locating

Art Unit: 3724

means disposed within the blade supporting portion of the handle (64 and Fig. 4), a channel means disposed within the blade supporting portion of the handle for containing and supporting the blade in a vertical plane (52), a clamping means for clamping the left and right side members and supporting the knife blade in a horizontal plane (62), a blade replacement means for exposing a fresh edge of the blade (Fig. 4 the blade is removed, the blade is flipped over with the dull side facing the rear, and the blade is re-inserted), replacing the blade with a new blade (Fig. 4 the blade is removed and another blade is inserted into groove 52), and rotating the blade 180° to change the handedness of the knife (Since the hinge allows the knife to be angled on either side of the handle (Fig. 6), the entire structure (Fig. 5) is rotated so that the cutting edge (68) is rotated from a downward or left position, as shown in Figure 5, to an upward or right position. This rotation of the entire apparatus does rotate the blade as claimed.).

In regards to claims 4 and 5, Burchell discloses the transverse angulation is 40° (Column 5 lines 30-35).

In regards to claim 7, Burchell discloses the locating means is attached to the right side member (64 and 54).

In regards to claim 9, Burchell discloses the channel is milled to a width that loosely fits the edges of the knife blade (Fig. 4).

In regards to claims 10-12, Burchell discloses the clamping means comprises at least one bolt (62), the at least one bolt is threaded to the thickness of the left side member (60), and the at least one bolt is slidably fitted to the right side member (58).

Response to Arguments

Art Unit: 3724

3. Applicant's arguments filed 25 November 2005 have been fully considered but they are not persuasive. The term "formed" is defined as: To put in order; arrange. The term "unitarily" is defined as: Of or relating to a unit. Therefore, with regards to the Burchell reference, the blade supporting portion (14) and the gripping portion (12) are clearly arranged to create a unit (10). Also, items 48 (also 14) and 12 combined form the right side member. Item 50 alone makes-up the left side member. Item 50 is clearly unitarily formed and items 48 and 12 are unitarily formed in light of the previously stated definitions.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Selfridge, Greenberg, Brush, and Farland.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

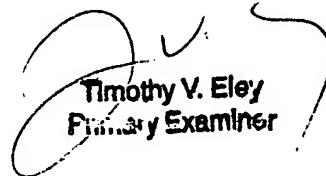
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
January 24, 2005



Timothy V. Eley
Primary Examiner

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☒ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.